Chapter 10
RIGHT-OF-WAY

Introduction

Right-of-Way is the land or easements needed by the State to construct and maintain highway (and bridge) projects. The Bureau of Right-of-Way has the responsibility to acquire the necessary properties and rights and to manage the properties until they can be used for highway purposes. The right-of-way process involves a number of separate functions and continuous coordination with the Bureau of Highway Design during project development. Chapter 2, Project Development, describes the interaction between the Bureau of Highway Design, the Bureau of Right-of-Way and others. This chapter explains the right-of-way operations and its relevance to the highway project.

Right-of-Way Operation

The acquisition of right-of-way requires a number of separate functions performed by cooperating sections within the Bureau of Right-of-Way.

General Organization

Table 10-1 shows the Bureau of Right-of-Way organization chart. The chart shows the functional sections and the liaison connection to the State Attorney General. All formal contact with the Bureau of Right-of-Way must be by Section Chiefs or Bureau Administrators (See Appendix 10- 1 for sample letters).

The laws governing the right-of-way operation as that bureau interacts with the Bureau of Highway Design are Revised Statutes Annotated (RSA) Chapter 230 and RSA Chapter 498-A.

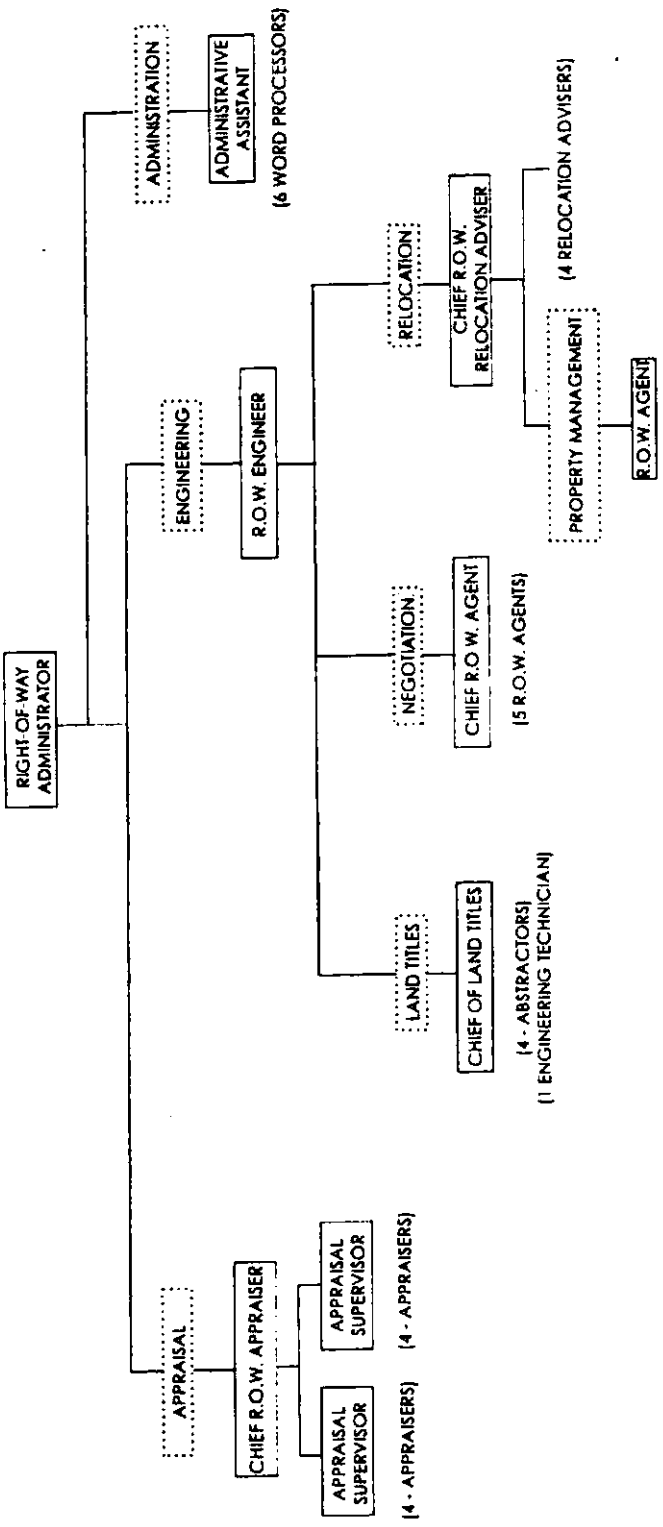
Function

The process of obtaining clear right-of-way, both legally and physically, is performed in the following manner:

The Bureau of Highway Design:

- Identifies the project limits;
- Furnishes a reproducible plan of existing detail to Right-of-Way for their use in title research and abstracting to locate the existing right-of-way and property lines, verify ownership, parcel areas, leases, licenses, easements, other rights in the property or buildings and assigns the Parcel numbers to each property. (See Appendix 10-2 for Abstracting Request form);
- Proceeds with development of the proposed highway improvements to determine right-of-way impacts;

TABLE 10-1


BUREAU OF RIGHT-OF-WAY
RIGHT-OF-WAY ADMINISTRATOR
ADMINISTRATION
ADMINISTRATIVE ASSISTANT
(6 WORD PROCESSORS)
ENGINEERING
R.O.W. ENGINEER
RELOCATION
CHIEF R.O.W. RELOCATION ADVISER
(4 RELOCATION ADVISERS)
PROPERTY MANAGEMENT
R.O.W. AGENT
NEGOTIATION
CHIEF R.O.W. AGENT
(5 R.O.W. AGENTS)
LAND TITLES
CHIEF OF LAND TITLES
(4 - ABSTRACTORS)
(1 ENGINEERING TECHNICIAN)
APPRAISAL
CHIEF R.O.W. APPRAISER
APPRAISAL SUPERVISOR
(4 - APPRAISERS)
APPRAISAL SUPERVISOR
(4 - APPRAISERS)

- Initiates public informational meetings, in compliance with the *Public Involvement Procedures for New Hampshire Transportation Improvement Projects* (15). (The Bureau of Right-of-Way is responsible for setting up any Public Hearing that may be required);
- Prepares the Right-of-Way Plans showing the property to be acquired, easements, buildings to be removed, and the relationship of the needed area to the area remaining in the original parcel of land. (See Appendix 10-3 for Right-of-Way Check List);
- Notifies Right-of-Way when property involving a Federal Energy Regulatory Commission (FERC) Permit is impacted (i.e. power generating dam). The Bureau of Right-of-Way may not be able to finalize negotiations with the facility owners until FERC Permit issues have been resolved. (See Appendix 10-4 for additional FERC information.);

The Bureau of Right-of-Way:

- The Relocation Section conducts an inventory of all features which are within the right-of-way or impacted by the proposed project;
- The Appraisal Section appraises the "damages" caused by the project;
- The Negotiation Section acquires the right-of-way and easements through negotiation or condemnation procedures (which requires the services of the Attorney General);
- The Relocation Section provides relocation assistance to individuals or businesses displaced by the project. Features within the Right-of-Way or that which are impacted by the project are arranged to be relocated or removed by the Relocation Section (or the Outdoor Advertising and Control Section of the Bureau of Traffic);
- The Property Manager makes arrangements for building removal. (Highway Design normally prepares the building demolition contracts when requested by the Bureau of Right-of-Way); and,
- For Federal Aid Projects, the Bureau of Right-of-Way certifies that rights-of-way are clear by issuing a ROW Certificate at the PS&E Stage (See Appendix 10-5).

Procedure

During project development, the Bureau of Right-of-Way may provide assistance to the Bureau of Environment as necessary, to address potential social and economic effects that may result from the proposed improvements. A conceptual stage Relocation Study is prepared by the Bureau of Right-of-Way to the Bureau of Environment which includes information regarding land use, tax base and access impacts. In addition, property owner and property boundary information may be required for the development of conceptual mitigation measures.

In preparation for the public involvement process, Right-of-Way may be asked to assist in securing right-of-entry onto private properties for the purposed of field surveys and

environmental assessment. Right-of-Way may also participate in public meetings to explain right-of-way acquisition and relocation procedures (See the *Public Involvement Procedures for New Hampshire Transportation Improvement Projects* for a more detailed discussion of public participation opportunities).

The Public Hearing process cannot proceed until all environmental documents have been processed and approved. Design Approval following the Public Hearing is the culmination of this process and signifies the point at which right-of-way acquisition can begin.

The following meetings are necessary to coordinate the acquisition effort. The Bureau of Right-of-Way and the Bureau of Highway Design will perform the following activities:

1. Once preliminary impacts to properties are determined (typically prior to the Public Officials Meeting, Right-of-Way and Highway Design should meet to determine if a Public Hearing is necessary. (Generally, if additional right-of-way is required, a Public Hearing is held);

2. Prior to the Public Hearing or the development of Right-of-Way Plans, Right-of-Way and Highway Design should meet to finalize the location and type of proposed right-of-way and easements to present at the Public Hearing;

3. A formal pre-hearing rehearsal "dry run" of the Public Hearing is held to review minor changes and to familiarize the Commission or the Special Committee with the project;

4. Right-of-Way should review project plans with right-of-way lines and easements depicted at the Slope and Drain Phase to verify the type and location of right-of-way and easements proposed before any takes or easement areas have been calculated;

5. Preliminary Right-of-Way Plans should be reviewed by the Right of Way Engineer prior to Formal Right-of-Way Plan submission; and

6. Shortly after the formal Right-of-Way Plans submission, the Bureau of Right-of-Way will request that Highway Design conduct a meeting to brief the Appraisers, Agents and Relocation Assistance Advisors regarding construction details to be considered in determining right-of-way costs and damages.

Field staking the final right-of-way lines or easements is sometimes requested of the Survey Section during the Right-of-Way process to allow property owners to see the location of the proposed right-of-way and easements "on the ground".

Right-of-Way Plans

Right-of-Way Plans are not included with the construction plans. They are used only to appraise, acquire and record the right-of-way needed for the project. Right-of-Way Plans may vary depending on the extent of Right-of-Way impacts. "Abbreviated" Right-of-Way Plans may be appropriate for projects with minor impacts. This determination between Right-of-Way and Highway Design should be made as soon as right-of-way impacts are identified.

Right-of-Way Plan should consist of the items listed in the Right-of-Way Plans Check List (See Appendix 10-3). Right-of-Way plans for Metric projects will show offsets and areas in dual units, i.e. both English and Metric.

Right-of-Way Conveyances

Legal documents are prepared by the Bureau of Right-of-Way to transfer real estate ownership or other rights from the property owner to the State. The rights are acquired to accommodate highway construction, to allow access for maintenance forces, and to ensure clear sight distance.

Condemnation proceedings are used to acquire property rights (i.e., takes, permanent easements, or temporary easements) when the property owner and the State cannot reach an equitable agreement. **It is important to point out that condemnation cannot occur without a "successful" Public Hearing, i.e. one on which the Public Hearing Commission or Special Committee rules in favor of the project. Therefore, any project which proceeds without the benefit of a Public Hearing should be limited to minor property impacts which, if necessary, could be eliminated if negotiations with the property owners are unsuccessful.**

Eminent Domain, or condemnation proceedings, are a series of legal steps performed by the State's Attorney General to obtain private land for public purposes. All condemnation proceedings are costly, time consuming and should be avoided whenever possible. Sometimes, a slight change in design during negotiations or before condemnation proceedings progress too far can prevent lengthy litigation. It must be realized, however, that the design cannot be completely controlled by right-of-way considerations and all such changes should be approved by the Section Chief.

The Bureau of Right-of-Way prescribes the type of conveyance to be used and prepares the documents for acquisition. There is no fixed rule for setting right-of-way widths other than general guidelines found in the *"Green Book"* (5). Each situation must be evaluated individually based on the width requirements for the proposed roadway improvements, the likely cost to acquire the right-of-way and consideration of the existing right-of-way layout. ROW widths are determined and layed out by both the Preliminary Design and the Bureau of Right-of-Way prior to the Public Hearing. The proposed Right-of-Way shown at the Public Hearing shall not be altered during the design process without first reviewing the change with the Front Office. This also applies to significant changes in easements. The Department has

made a commitment to the Executive Council that all changes to Right-of-Way takes will be reviewed with the Layout Special Committee/Commission.

Below is a listing and description of the various types of Right-of-Way conveyances. Whenever possible, acquisitions and easements should conform to these categories.

Easements

This section describes the typical easements encountered on a highway project. A Figure is included with each easement description for guidance in determining its limits. There are other easements encountered on a project such as guardrail, utility, etc. For non-typical easements, discuss the required limits with your supervisor.

I. SLOPE EASEMENT

Slope easements can be secured as permanent or temporary easements. The designer should use judgment in sizing the easements to provide adequate space for the Contractor to accomplish the required work and to provide an area large enough for maintenance forces to access the easement area in the future, if necessary. Roadway fill or cut areas which create steep and/or long sideslopes which may be subject to erosion should be purchased as permanent slope easements.

Minor grading work with relatively flat, short sideslopes should be purchased as temporary construction easements. Sideslopes of 4:1 or flatter would generally be considered as temporary construction easements. However, the designer's judgment relative to future maintenance issues should govern this decision.

Figure 10-1 represents an example of a slope easement with slope lines located outside of the ROW When the slope line enters an existing woods line, a clearing area is required. The clearing area is included in the easement.

Figure 10-2 illustrates a narrow ROW with the proposed roadway ditch constructed outside of the ROW In this situation, the ditch is part of the roadway typical (cut section) and will be considered a slope easement. If, however, a closed drainage system is constructed in the ditch as part of the roadway typical or an active water course is constructed in the ditch, a drainage easement will be required.

FIGURE 10-1

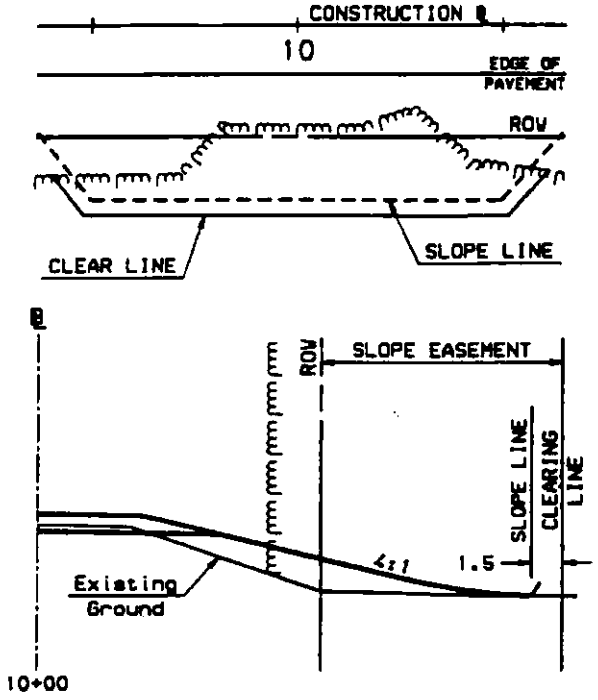
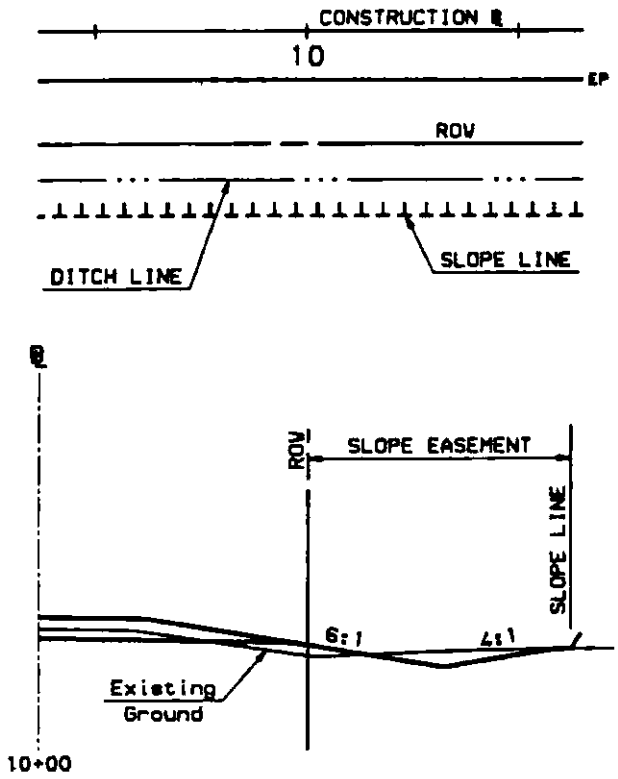


FIGURE 10-2



I. DRAINAGE/CHANNEL EASEMENT

There are several different situations that may require drainage easements, such as culvert inlets and outlets (Figure 10-3), closed system drainage along ditch lines (Figure 10-4), and a permanent erosion control area (treatment swales, retention basins, etc.) (Figure 10-5).

FIGURE 10-3

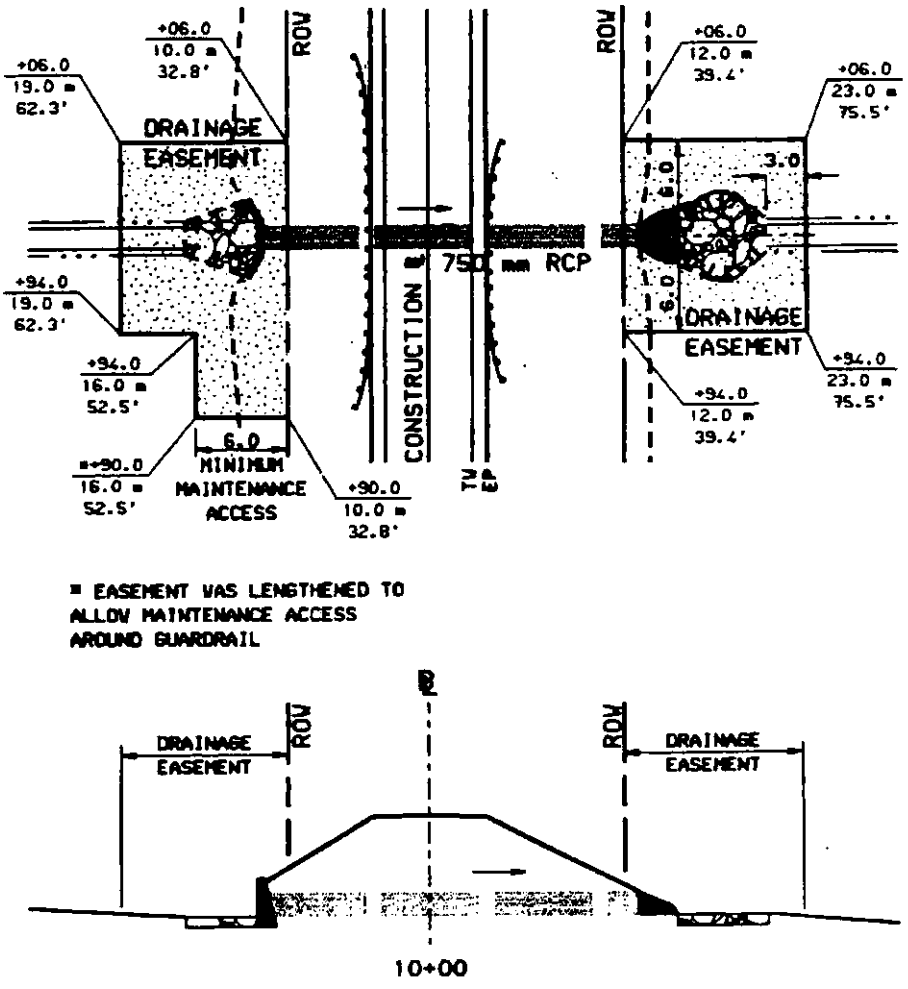


Figure 10-3 shows a drainage easement at the inlet and outlet of a culvert. Review the headwater and tailwater to determine if there is a potential for ponding which will effect the property beyond the intended easement and, if there is ponding , include this area in the easement.

The easement is for maintenance of the culvert and its inlet and outlet ditches. The easement provides access for the Bureau of Maintenance equipment. Typically, a 6 m offset from the center of the pipe (Lt. and Rt.) is sufficient and 3 m beyond the limit of work.

Existing Drainage/Channel Easements may need to be re-evaluated and new easement(s) may be required when the new replacement pipe is larger than which exists or the anticipated flow will be greater. Also, if the grading in the area substantially changes the old ground.

Figure 10-4 illustrates a drainage easement for a closed drainage system. This easement is purchased to allow enough area to construct and maintain the system. This easement is evaluated by the trench excavation slope requirements provided by the Occupational Safety and Health Administration (OSHA). These guidelines are outlined in *"29 CFR Part 1926 OSHA Sub-Part P Excavations and Trenches.(33)"* The guidelines are based on assumed soil types. Typically, a 1:1 slope excavation is used when determining easements. Additional information and guidance provided in the Geotechnical Report should also be considered, if available. Normally, drainage easements are secured when other methods that could be used for excavation to limit impacts are deemed impractical, i.e. trench boxes or other shoring methods.

FIGURE 10-4

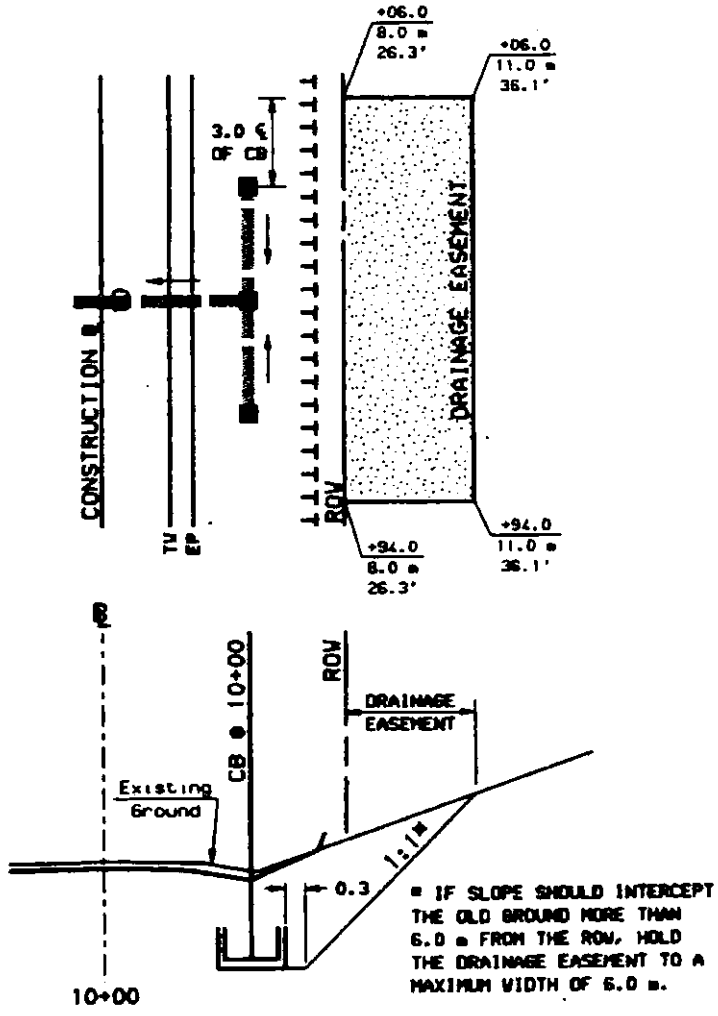
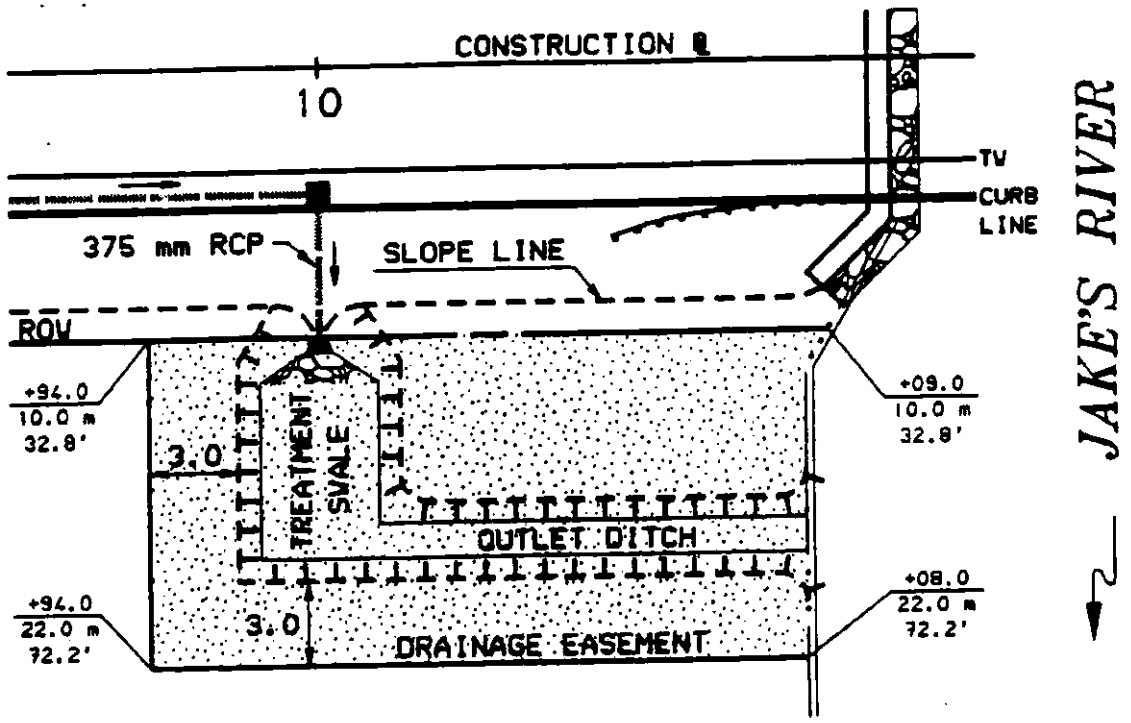


Figure 10-5 illustrates a drainage easement which includes a drainage pipe, stone protection and treatment swale. Always provide access for the Bureau of Maintenance to maintain the permanent erosion control treatment areas. The easement is typically set 3 meters beyond the slope line.

FIGURE 10-5

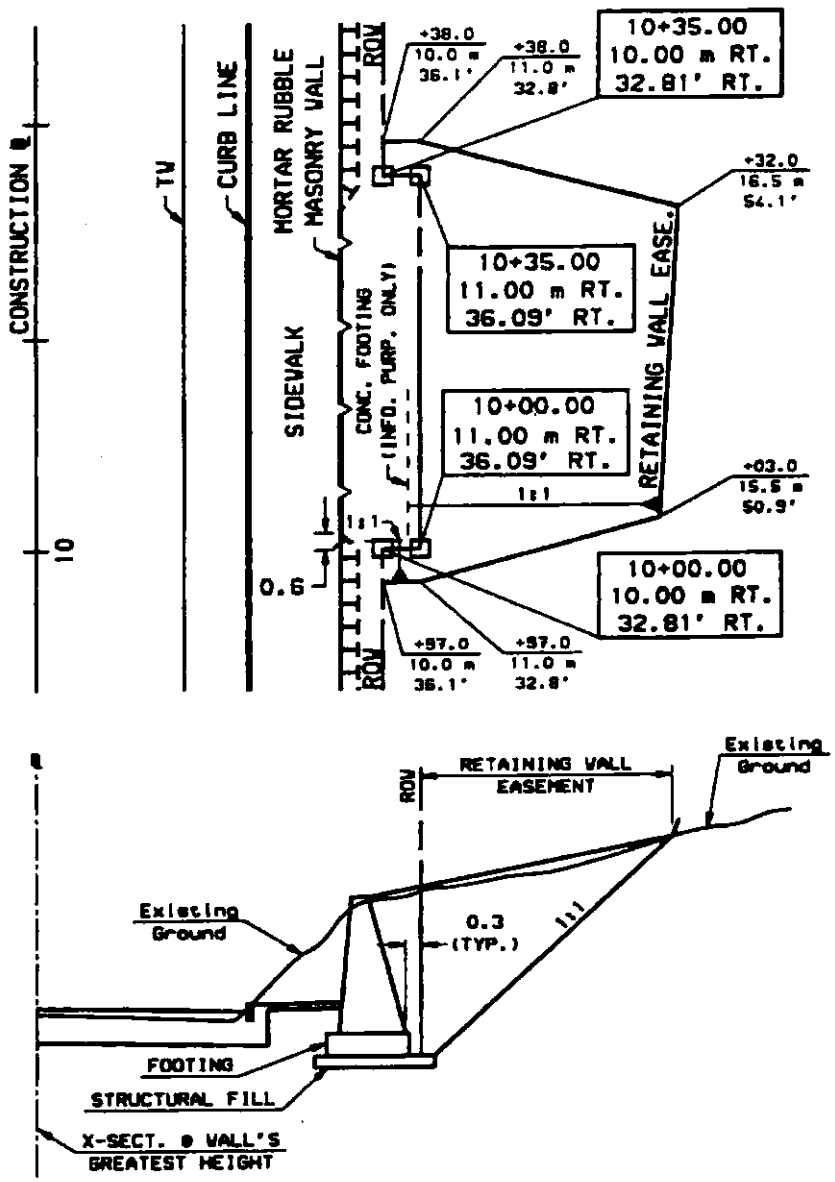


Channel easements are typically determined by the Bureau of Bridge Design unless the project is a slope stabilization project along a river bank. The outside limit of the easement is 3.0 m from the limit of the stone.

II. RETAINING WALL EASEMENT

This type of easement is becoming more common, especially in urban areas where the NHDOT is trying to limit impacts to properties. Figure 10-6 depicts the standard practice in determining the new ROW line and limit of the easement. The new ROW is typically 0.3 m behind the back of the footing at its greatest height. This will keep the retaining wall within the ROW The limit of the (permanent) easement is determined by the OSHA trench excavation requirements, typically 1:1 slope. (See drainage easement section for additional information regarding limitations of open excavation vs. shoring options.). Since the height of the retaining wall has a direct relationship to the new ROW and easement, use discretion in the layout and don't zig-zag the ROW or easement. Keep the ROW a constant offset from the face of the retaining wall and taper the easement as required. In some cases a temporary easement may be necessary for the construction of the wall, i.e. sheet pile retaining wall, construction access may be required to the top portion of the wall.

FIGURE 10-6



III. STONE WALL EASEMENT

From the viewpoint of Environment and Right-of-Way, there are two (2) kinds of stonewalls --- historic and non-historic. These walls are also located on or adjacent to two (2) types of right-of-way -- Limited Access/Controlled Access ROW (owned in fee) and (common) ROW (fee or easement).

Historic stonewalls are those that have been recognized as "contributing elements to a historic property". (This classification is derived from an environmental process other than the Stonewall Policy.) When historic stonewalls are required to be relocated as part of the

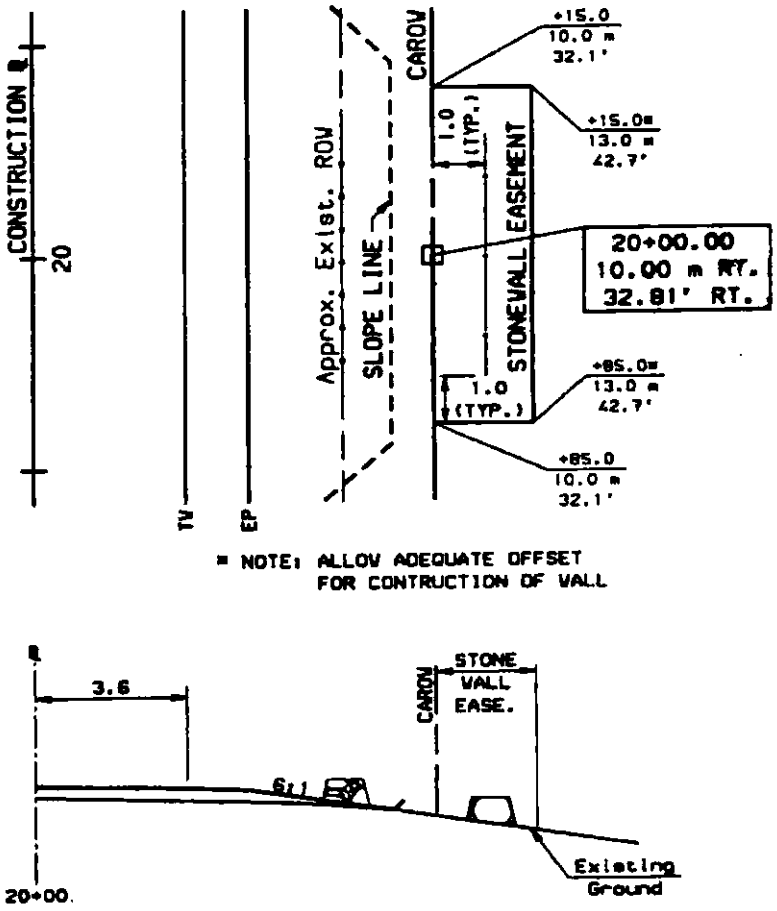
environmental mitigation process, the relocation will be done regardless of the disposition of the property owner by the acquisition of a new permanent "stone wall" easement. This easement will allow for condemnation, if necessary, to relocate the wall(s).

All other stonewalls are considered non-historic and those found eligible for reconstruction/relocation by the Stonewall Policy Committee do not require easements to relocate since the relocation is voluntary. The property owner grants a Right-of-Entry for the reconstruction/relocation and enters into a covenant with the State for preservation/maintenance of the stonewalls. These non-historic stonewalls will be shown in their proposed locations on both the Right-of-Way and Construction plans. An entry representing the total linear length of non-historic stonewalls to be relocated will be shown in the remarks column on the Right-of-Way Summary Sheet for each parcel involved. The relocations are tentative pending the results of negotiations with the property owner(s).

Historic and non-historic stonewalls are relocated identically with respect to the different types of right-of-way. The following guidelines may be used in placing these walls, subject to constructability, clear zone requirements, etc.:

1) Figure 10-7 Stone Walls with LA/CAROW

FIGURE 10-7



The roadway face of these walls are typically set behind the Right-of-Way line sufficiently (typically 1.0 m) to allow maintenance of the wall by the property owner without encroaching onto the Right-of-Way. A detail will be included in the Construction plans to clearly indicate the wall offset form the Right-of-Way line. At least one (1) right-of-way bound will be placed within the longitudinal limits of each wall to indicate that the face of the stone wall does not represent the right-of-way line.

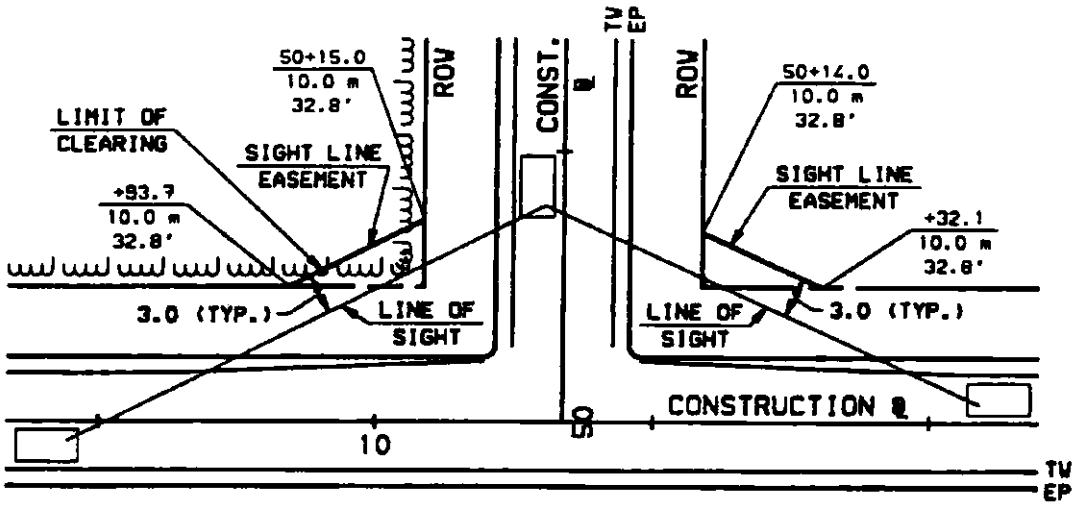
2) Stone Walls with (common) ROW

The roadway face of these walls will be set at the Right-of-Way line when possible. or beyond the Right-of-Way line when physical conditions dictate.

IV. SIGHT LINE EASEMENT

Figure 10-8 depicts the sight line easement required at intersections to provide a clear area for the driver's line of sight. (Refer to Chapter 4 for sight distance calculations.) This easement is typically set 3.0 meters off the sight line which legally prohibits the property owner from placing any physical objects (signs, bushes, trees ,etc.) within the easement that may hinder sight distance. This easement is typically secured at intersection where acquisition of ROW is not feasible or not deemed necessary.

FIGURE 10-8



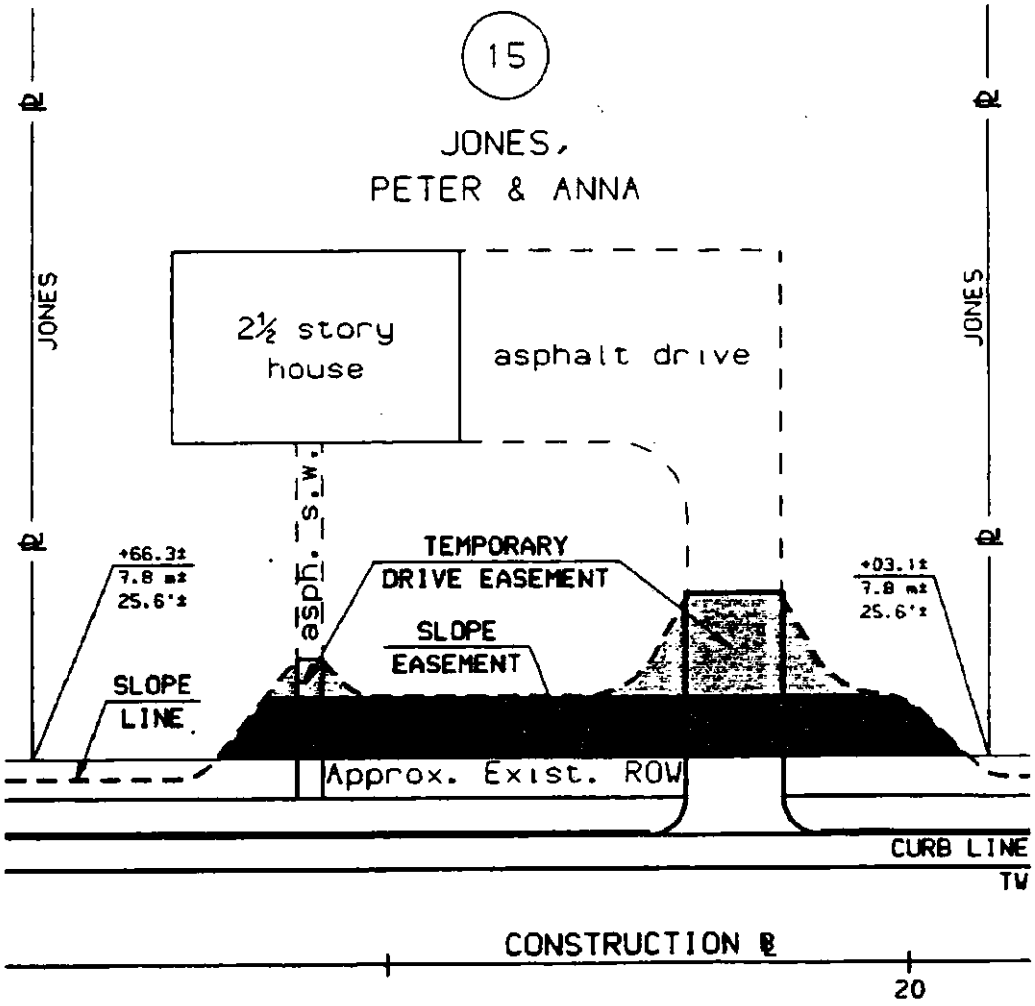
V. TEMPORARY EASEMENTS

These easements are broken down by description and purpose, e.g. traffic control during construction, driveways (including walkways), drainage, and construction. They allow the Contractor to temporarily access the property to construct the required work. In most cases, except for a driveway or walkway, the Contractor will reestablish the disturbed area back to its original state as near as possible. All temporary easements will have an expiration date, commonly one year after the project's completion date. Exceptions may apply for landscaping considerations, functional replacements, environmental considerations, etc. The

additional time allows for any necessary remedial work. (These types of easements do not require flagging on the ROW plans.)

Figure 10-9 illustrates a Temporary Drive Easement. The temporary drive easement is the limit of work to construct the drive that is outside the roadway slope limit. The area should include any walkways on the parcel. A dashed line is shown on the ROW plans to differentiate the slope and drive easement.

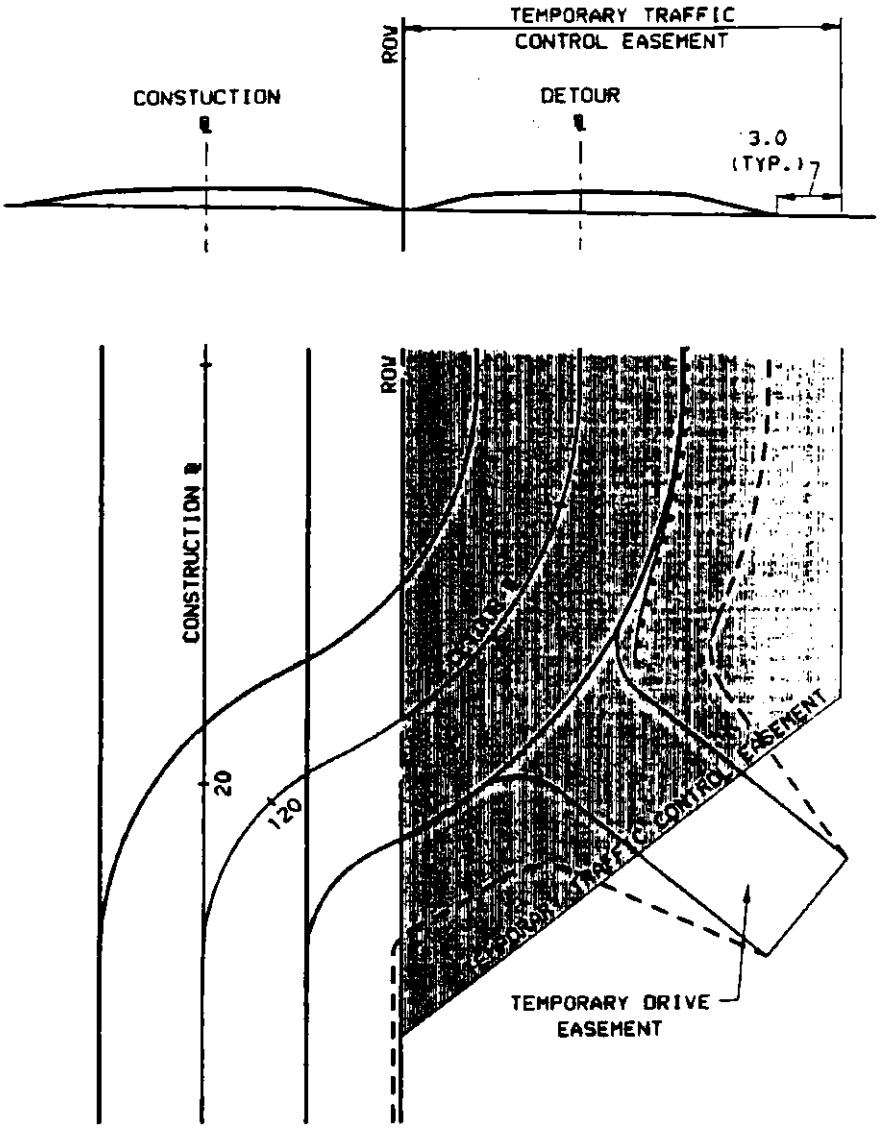
FIGURE 10-9



NOTE: LIGHTER SHADING REPRESENTS LIMIT OF TEMPORARY DRIVE EASEMENT AND DARKER SHADING REPRESENTS LIMIT OF SLOPE EASEMENT. THIS SHADING WILL NOT BE INCLUDED ON PLANS. LIGHTER DASHED LINE DISTINGUISHES THE LIMIT BETWEEN THESE TWO EASEMENTS.

Figure 10-10 shows a Temporary Traffic Control Easement which encompasses the limits of the detour roadway or temporary widening. Generally, the easement line is set 3 meters beyond the slope line. This allows the Contractor space to construct temporary erosion control measures, as needed. Where slope lines vary, the designer should set a logical offset rather than zig-zag the easement along the slope line.

FIGURE 10-10

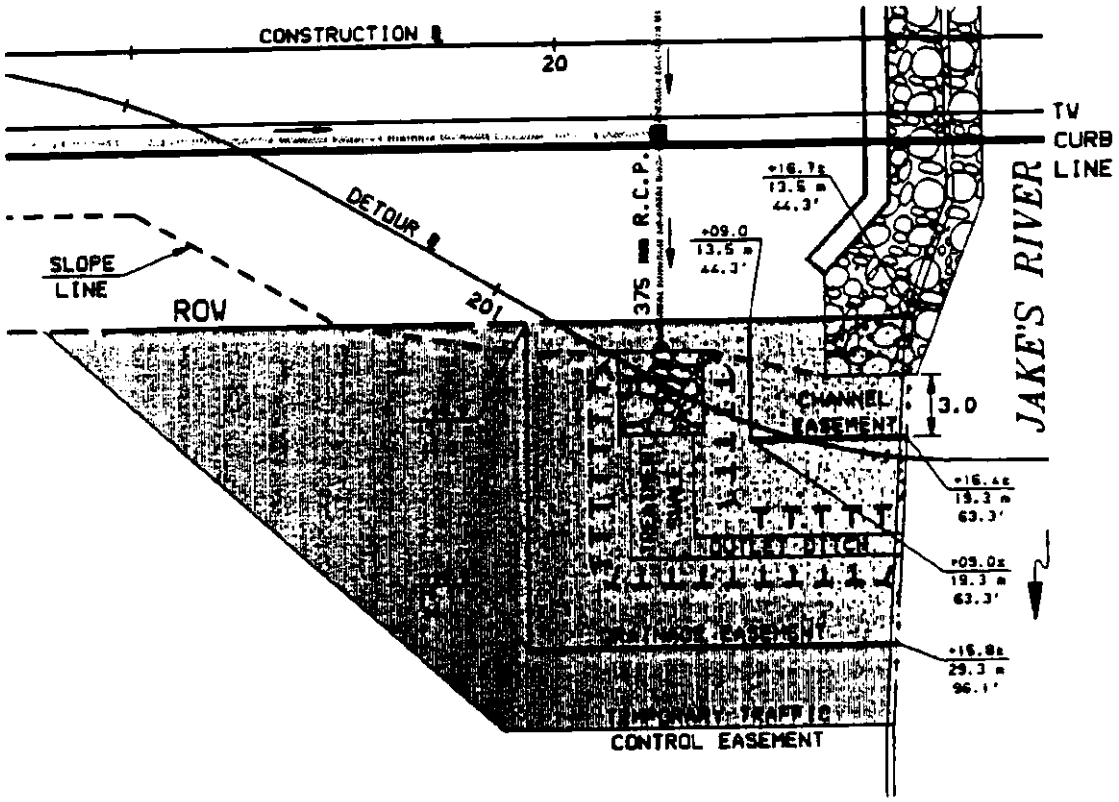


NOTE: ROW PLANS WILL ONLY SHOW DETOUR ALIGNMENT AND EASEMENTS. IF REQUESTED BY BUREAU OF ROW, DETOUR PLANS WILL BE SUPPLIED AS PART OF ROW PURCHASE PLANS. TEMPORARY DRIVE EASEMENT LIMITS ARE REPRESENTED BY LIGHTER SHADING AND WILL NOT BE INCLUDED ON PLANS.

VI. COMBINATION EASEMENTS

Figure 10-11 illustrates several overlapping easements such as drainage, channel, temporary traffic control, and slope easement . Each easement is calculated separately to the ROW line. The easements are calculated separately because each represents a different purpose for which the same area of land can be used.

FIGURE 10-11



Access Control

Right-of-Way lines may be established as (common) Right-of-Way, Limited-Access Right-of-Way, or Controlled-Access Rights-of-Way. The laws regulating the power of establishment are in RSA, Chapter 230.

(Common) Right-of-Way purchase (without access control), allows the abutting property owner reasonable access to the road. New driveway access points or changes to existing drives due to property development are subject to permit and review by the District Maintenance Engineer and in some instances, by the Highway Design Administrator. Under normal circumstances, the "reasonable" access to the road is controlled by the *Administrative Rules For The Permitting of Driveways and Other Accesses to the State Highway System* (9).

Limited Access Right-of-Way prohibits any access to the highway except at road intersections or interchanges. (Limitation of access is a significant design consideration and greatly improves the safety and operating characteristics of the highway.)

Controlled Access Right-of-Way is less restrictive than Limited Access Right-of-Way. Private access at grade is permitted along the highway. Access points are considered through the Public Hearing process. The "Report of the Commissioner," prepared after the Public Hearing, will show all access points granted as a result of the hearing and each of the points are clearly shown on the Right-of-Way Purchase Plans. If no points of access are granted, then that statement should be clearly stated on the Right-of-Way Plans as zero points. Control or limitation of access can have significant impacts to property value.

Fencing Right-of-Way

Right-of-Way is sometimes fenced for safety, and to prevent trespass or encroachment. The decision whether to fence it is based on the type of Right-of-Way that it is, the practicality of installing (and maintaining) it and the relative benefits of fencing it. Normally, "common" Right-of-Way is not fenced; however, there may be exceptions, e.g., if there is a safety concern, the abutting property owner requests it to be fenced or where an existing privately owned fence is removed from within the existing Right-of-Way and set back onto the property along the Right-of-Way line. Controlled Access Right-of-Way (CAROW) is more often fenced, e.g., as part of a Right-of-Way Agreement, to enhance safety, to discourage encroachment, or where it has been a problem in the past. In virtually all cases, Limited Access Right-of-Way (LAROW) is fenced. There may be a rare exception.

Preliminary Design will sometimes provide a "Fencing Review" paragraph in the Engineering Report for those Interstate 4R projects describing, in general, the status of the existing fencing and the extent of anticipated involvement, especially regarding chain link fence recommendations.

Existing Fencing

Existing Right-of-Way fence along CAROW or LAROW should be carefully evaluated for condition when considering to repair or replace it. If portions are missing or appear to be approaching the end of its useful service life, replace it. Within interchanges or where the facility crosses another roadway, ensure that the proper type of fence is used for the situation. For example, if it is a residential area or an area suspected of encroachment and these encroachments would present a safety problem, use chain link fence 1.5 or 1.8 m high. Most of the time, woven wire fence is used along LAROW.

On Interstate Maintenance (4R) projects, it may not be realistic to walk the full length of the mainline LAROW along both barrels. Conduct the field review in whatever method that results in complete and intact fencing.

Proposed Fencing

When fencing CAROW, be aware of the physical limitations of the area. Certain portions of the State have terrain that, when combined with the Right-of-Way width, do not permit the

new fencing to be placed on undisturbed ground. Instead, it would need to be placed on a 2:1 or 4:1 slope if the Right-of-Way were to be fenced. This would create a construction problem and be aesthetically unacceptable. In this case, the CAROW would not be fenced unless the safety implications outweigh the complications of installing it, as may be the case where chain link fence is warranted.

Public Meetings

Public Hearings are nearly always necessary before right-of-way including easements can be acquired. Hearings and some Public Informational Meetings are attended by Bureau of Right-of-Way representatives, and much of the logistics of Hearing arrangements are performed by Bureau of Right-of-Way personnel. The Presentation at Public Hearing section of the *Public Involvement Procedures for New Hampshire Transportation Improvement Projects* explains the procedure and conduct of the design Hearing where the public is made aware of the proposed Right-of-Way requirements.

Public Hearings afford the opportunity for property owners to comment on features of the project which may affect their property. They also learn about their rights and public assistance available to them.

When the preferred alternative is determined requiring a Public Hearing and also takes and/or relocation of either residences or businesses. The Bureau of ROW shall be notify so, they can perform a relocation study. This information is needed for the Environment Document and the Public Hearing.

The following outlines the process and time frames required to schedule a Public Hearing:

1. For projects on State highways, a Commission or Special Committee must be appointed by the Governor and Council to conduct the Hearing.

2. Generally, Public Hearings that involve purchasing new LAROW or CAROW are conducted by a Special Committee. Public Hearings involving purchase of (common) ROW are conducted by a Commission. Special Committee is made up members of the Governor and Council and a Commission is appointed by the Governor's Council.

3. At the 29% stage and 10 weeks (8 weeks minimum) prior to the earliest desired Hearing date, the lead person will submit a "project description" to the Bureau of Right-of-Way. The description will note if there is access control, municipally owned parks, conservation land, or condominiums and will be accompanied with a memo stating the anticipated time frame for the Hearing.

   The lead person is typically the Chief of Preliminary Design, however, some projects are "led" by Bridge Design, Municipal Highways, or a Project Manager.

4. At the 29% stage and 8 weeks (6 weeks minimum) prior to the Hearing date, the lead person will circulate a "Request for Public Hearing Check List" (see

Appendix 10-6) within Highway Design, including the Survey and Utility sections, the Bureau of Environment, and the Bureau of Right-of-Way. The form requires target dates for various tasks to be completed prior to holding the Hearing. The form also requests time frames for completing the final design and the right-of-way process in an effort to set the advertising date.

5. Once the form has circulated, the lead person forwards a memo (See Appendix 10-7) to the Bureau of Right-of-Way requesting a Public Hearing. The request includes the following:

   - A suggested Hearing date, length of presentation boards required, and anticipated attendance;
   - Basic purpose and need for the project and background information concerning how the project was initiated and the funding involved:
   - Utilities to be notified;
   - Local, State, and Federal agencies and public interest groups (e.g. citizen committees, natural resource/environmental, etc.) to be notified:
   - Identification of houses and businesses to be acquired;
   - Type of environmental documentation and whether wetlands or flood plains are impacted;
   - A copy of the completed "Request for Public Hearing Check List" form.
   - Impacts to Municipal land used for conservation or recreation (if applicable).

6. The Bureau of Right-of-Way will then arrange a Public Hearing date and location, and prepare notification to officials, agencies and affected property owners.

7. The Bureau of Right-of-Way will publish the Hearing notice twice, first 6 weeks (5 weeks minimum) and second 10-15 days in advance of the Hearing. Just prior to sending notices to the newspapers, the Bureau of Right-of-Way will contact the lead person to confirm that the Hearing date is acceptable and that all tasks will be completed as required. In particular, the lead person needs to confirm that the environmental document will be completed and available for public review 30 days prior to Public Hearing. (Notices indicate the environmental documents are available.)

8. The Bureau of Right-of-Way will send notices to officials, agencies and affected property owners involved typically 30 days (15 days minimum per R.S.A.) in advance of the Hearing.

9. In the event that tasks will not be completed as expected, the Bureau of Right-of-Way will arrange for a new date and notices will be amended. Again, just prior to publication, the Bureau will confirm the date with the lead person.

10. If a Hearing date must be moved, the lead person will send a memo to the Director of Project Development detailing why the date is being moved and what the new date is.

11. Special consideration in terms of lead time must be given in the case of Hearings to be held as joint Hearings with the Army Corps of Engineers and for projects with a large number of affected property owners.

12. Projects impacting municipal land used for conservation or recreational purposes must be posted at least 90 days in advance of the Hearing per State law. The lead person will provide a description and the area of land (dual dimension) to be impacted and mitigation required as part of the Hearing request memo.

13. The process and time frames are similar for Public Hearings held for projects involving Class IV and V Highways, with the exception that Governor and Council participation is not required and all owners must be notified 30 days in advance.

14. If a condominium is involved in the project, notification to owners must be made 30 days in advance.

Relocation Assistance

Public Highways and Your Property (34) is a publication by the NHDOT that explains the Relocation Advisory Assistance Program and the Relocation Payment Program. If it is necessary to relocate a home or business, the Right-of-Way Relocation Assistance Advisor administers the programs and works with the property owner(s) to minimize their inconvenience.

The designer should be aware of such services but, other than providing information to the Relocation Assistance Advisor, the designer has no involvement in this process.

Utilities

The cost to relocate utilities that exist on private property and are impacted by transportation projects is reimbursed by the Bureau of Right-of-Way as a project cost. The Relocation Section of the Right-of-Way Bureau coordinates with the Utilities Section of Highway Design to accomplish the required work and to provide associated payments for the required utility relocations.

Typically, the Utilities Section will assist in the coordination and review of utility relocation cost estimates and agreements as needed, and the Right-of-Way Bureau will process payments for reimbursable charges for the relocation work.

Building Removal

Buildings purchased by the NHDOT as part of a project, are administered by the Relocation Section until they can be either sold, moved or demolished as part of a project. If the building is to be demolished, the designer normally, will advertise a separate demolition contract or include the demolition in the project contract. The Right-of-Way Engineer will notify the Bureau of Highway Design if buildings are to be demolished. Prior to demolition, the ROW Bureau will arrange to determine if asbestos exists within the structure and, if so, will also arrange to have it removed prior to demolition. (Building Demolition includes decommissioning septic systems, removal of miscellaneous debris and sealing wells.)

Abandonment

Abandonment is when rights-of-way are no longer needed because of road relocation, discontinuance of use, the land is sometimes returned to the town or made available to abutting property owners. Hearings, advertising and other legal arrangements are performed by the Bureau of Right-of-Way. Existing easements which need to be perpetuated are retained.

Highway Design becomes involved to verify that the land is not needed for the project and that it will not likely be needed for future NHDOT projects. The abandonment of unnecessary land or roads relieves the Bureau of Maintenance of responsibility which, in itself, is an advantage that should be considered.

Reclassification

When highways are reclassified and returned to towns, the NHDOT may, at its discretion, rehabilitate the pavement and/or provide other improvements such as cleaning and reshaping ditch lines.

The reclassification of Class I, II and III highways removed from the State system as a result of relocation is handled by the Bureau of Maintenance.

The classification of service or frontage roads and reconstructed or relocated Class IV and V roads are handled in the following manner:

1) At the Pre-hearing meeting with town or city officials, the NHDOT representative will call to their attention any proposed service or frontage roads and any proposed relocations or reconstruction of existing Class IV or V roads and advised that such sections will be classified as Class IV or V, as the case may be, with the NHDOT assuming no responsibility for maintenance.

2) At the completion of the project plans, Highway Design will notify the Right-of-Way Engineer in writing of such roads, furnishing two copies of plans clearly noting such roads (See Appendix 10-8). To avoid failure of notification, the Highway Design includes this in their ROW plans check list and Distribution of Plans list sheet for the project.

3) Near the completion of the construction, the Right-of-Way Engineer will prepare for the Commissioner's signature a letter of formal notice to the town or city officials, enclosing a plan, and noting the classification and mileage of the road(s) involved.

Urban Compact relocation is a function of the Bureau of Maintenance and the Bureau of Transportation Planning.

Recording ROW Plans

Once all property rights have been acquired for a project, Record Plans and Documents are filed in the County Registry of Deeds where the project is located. Half scale copies of the Right-of-Way Plans are also filed in the Right-of-Way Bureau.

Different registries may have varying plan filing requirements. Typically, the Front Sheet, Property Layout and Right-of-Way plan sheets for the project are the recorded plans. All sheets must be 559 x 864 mm (22"x34").

When ROW acquisitions have been secured, the Right-of-Way Agent will request final Right-of-Way mylars from the Bureau of Highway Design. Once these plans are received the Land Titles Section will make reproducible copies for recording and obtain stamps and appropriate signatures. The Front Sheet of these plans are stamped and signed by the responsible Professional Engineer in the Bureau of Highway Design (normally the Administrator) or the Consultant responsible for the design. Afterward, the following personnel also signs the front sheet:

1) Approved by the Bureau of Right-of-Way Administrator.

2) Recommended for Approval by Director of Project Development and Administrator, Bureau of Municipal Highways if Town or City monies are involved in the contract.

3) Approved by the Assistant Commissioner.

Note: The ROW plans sent to the print shop normally will not be signed.

APPENDIX LIST

APPENDIX 10-1

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

DATE: X

FROM: Appropriate Name
Title

AT (OFFICE): Bureau of Highway Design

SUBJECT: Project Name
Federal Number
State Number

TO: Appropriate Name
Administrator
Bureau of Right-of-Way

MEMORANDUM

Enclosed are * (Revision No. x of) Right-of-Way Plans on the above noted project for the following agencies:

a) Six (6) sets of plans and three (3) sets of cross-sections for Bureau of Right-of-Way.

b) One (1) set of plans for Federal Highway Administration.

In accordance with established policy, the Right-of-Way Plans for reviewing State/Federal Agencies are being channeled through your office for coordination and control purposes.

---/---/---

Enclosure

cc: Project Manager

FILENAME

* Note: For distribution of Right-of-Way Plan revisions, refer to Right-of-Way Engineer to determine the number of sets required.

APPENDIX 10-2

STATE OF NEW HAMPSHIRE

DEPARTMENT OF TRANSPORTATION

BUREAU OF RIGHT-OF-WAY

ABSTRACTING REQUEST

FROM: _____ **DATE:** _____

_____

TO: Appropriate Name
Right-of-Way Engineer

PROJECT: _____ **STATE #:** _____
(Chargeable by Right-of-Way) **FEDERAL #:** _____

PROJECT DESCRIPTION: _____

_____

_____

Type of Request

☐ Property Owner ID: Using tax maps to develop approximate property and right-of-way lines. (Applicable when survey detail is not available)

☐ Property Owner ID: Using deeds and existing site plans. (When recent survey detail is available)

☐ Complete Title Abstract (Required for hearing notification or property acquisition)

☐ Update existing abstract plan

☐ Update individual parcels Parcel #: _____

Public Hearing Anticipated: ☐ YES ☐ NO

Completion Date Requested: _____

ATTACHMENTS:

☐ Mylar plot of existing detail
☐ Location Map
☐ Existing Abstract Plan
☐ Other

COMMENTS: _____

_____

_____

NOTE: All abstract plans provided should be plotted at a scale of 1" = 50' (English) or 1:600 (Metric).

PROJECT:_____

ROW PLANS CHECK LIST
(Refer to Sample ROW Plans in Volume 2 of the Highway Design Manual)

SHEET	DONE BY/DATE	CHECKED BY/DATE	REMARKS
1. FRONT SHEET			
A. Location Map			
– Project location designated with a circle			
– State Project number attached to circle			
– North arrow			
– Major roads labeled			
– Town, city, county & state names labeled and boundaries shown			
– Rivers, brooks, streams, lakes, etc. labeled			
– Railroads (RR) labeled			
– Graphic scale			
B. Layout			
– Existing buildings (solid), roadway edge of pavement (E.P.), drive E.P.'s, curbing, bridges, Railroads, rivers, streams, brooks, and lakes shown.			
– Existing rivers, streams, brooks, lakes, roads, Railroad crossing, town/city, county & state boundaries labeled, and "To (Town or City)" at all ends of the project with destination arrows. Show water course flow arrow.			
– North arrow (grid)			
– Town/city of ( )			
– County of ( )			
– Scale			
– Limit of ROW with station			
– Begin and End construction with station			
– Limit of Work with station			
– Construction Base Line with stationing labeled every 100 meters			

PROJECT:_____

PAGE 2 OF 11
Form No. 121
Rev. Date 12/31/98

ROW PLANS CHECK LIST
(Refer to Sample ROW Plans in Volume 2 of the Highway Design Manual)

SHEET	DONE BY/DATE	CHECKED BY/DATE	REMARKS
C. Miscellaneous			
– Project name & (Federal & State) numbers			
– Road name in sheet title			
– Signature block with appropriate signature blanks*			
– "Drafted by" and "sheet checked by"			
– Sheet numbers and project numbers			
– Index of sheets with sheet numbers (do not include x-sections in the summary)			
– Note "For Construction and Alignment Details - See Construction Plans"			
– Standard METRIC label			

* If Town or City funding is involved, the Bureau of Municipal Highways Administrator will sign the Front sheet. Include GDS object name Title: mun

2. SYMBOL SHEET			
– Latest revision date verified			
3. ROW SUMMARY SHEET			
– List parcels separately, include CAROW access points			
– Takes in square meters or hectares (square feet or acres), remainders in hectares (acres)			
– Total area in hectares (acres) included for all parcels			

PROJECT:_____

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ROW PLANS CHECK LIST
(Refer to Sample ROW Plans in Volume 2 of the Highway Design Manual)

SHEET	DONE BY/DATE	CHECKED BY/DATE	REMARKS
– Use remarks column to describe unique features that may not be evident on the plans			
– Table of Revisions reflects any changes after Formal ROW submission			

4. PROPERTY LAYOUT SHEET

– Construction Base Line(s) stationed every 100 meters			
– Route numbers and/or names of roads			
– Approximate scale shown [round to 20 meters] Include disclaimer stating that scale is approximate and plan shall not be construed as a boundary survey			
– Limit of ROW, Construction Begin and End, and Limit of Work			
– Match lines (if appropriate)			
– North arrow (grid)			
– Parcel numbers (as shown on abstracting plan)			
– Town/City, County, and State boundaries			
– Property lines, existing and proposed ROW			
– Complete parcel shown (if coverage allows)			
– Parcel numbers and owners. Include access points for CAROW.			
– Buildings (solid), lakes, rivers, streams, brooks, etc., bridges and railroads			
– Standard METRIC label			

PROJECT:_____

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Rev. Date 12/31/98

ROW PLANS CHECK LIST
(Refer to Sample ROW Plans in Volume 2 of the Highway Design Manual)

SHEET	DONE BY/DATE	CHECKED BY/DATE	REMARKS

5. PLAN SHEETS:

A. General

– Existing detail including underground utilities and delineated wetlands (exclude miscellaneous text such as curb types, sidewalk types, types of woods, etc.)			
– Tree and bush annotations excluded.			
– Annotations for utility poles and underground facilities can be excluded if crowded.			
– Construction and Detour Base Line(s) labeled (construction or detour). For the construction base line, include only PC's, PT's and label the radius along the base line on each sheet. The radius will not be included on the construction plans.			
– North arrow (grid)			
– Parcel numbers and owners' name (as shown on abstracting plan or new names if updated).			
– ROW lines and property lines			
• Proposed ROW: label ROW, LAROW or CAROW on all cut sheets (label on inside of ROW.) Flag the changes in ROW (See Section I - Flagging).			
• Existing ROW: label "Approximate Existing ROW" appropriately on all cut sheets (label on inside of ROW).			
• All ROW concentric or parallel to and referenced from the construction centerline at a whole meter offset (if practical).			

PROJECT:_____

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ROW PLANS CHECK LIST
(Refer to Sample ROW Plans in Volume 2 of the Highway Design Manual)

SHEET	DONE BY/DATE	CHECKED BY/DATE	REMARKS
• Radius of ROW labeled only if not concentric with construction centerline.			
• Property owner's name adjacent to property lines.			

B. Proposed Permanent Layout (TW's And EP's).

Note: If requested by Bureau of ROW, send print of Engineering Base Plan for lane configuration, widths, tapers, and the detour plan with the proposed layout, guardrail, drainage, slope lines etc. (Do not include this information on the ROW plans.)

C. Proposed Detail:

– Curbing, sidewalks.			
– Back curbing noted.			
– Curbed islands - label type of curb and island treatment (grass, concrete, bituminous, etc.)			
– Type of retaining walls and face treatment labeled (if applicable).			
– Guardrail, signals, overhead signs, etc.			
– Slope lines and clearing lines.			
– Fence types, pedestrian rail, and bike rail.			
– Drainage			
• Closed drainage system with flow arrows and outlet pipe size.			
• Culverts, labeled with flow arrows and pipe sizes			
• Stone protection locations.			

PROJECT:_____

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ROW PLANS CHECK LIST
(Refer to Sample ROW Plans in Volume 2 of the Highway Design Manual)

SHEET	DONE BY/DATE	CHECKED BY/DATE	REMARKS
• Erosion control treatment and/or water quality treatment labeled			
– Type of steps and/or handicap ramps labeled.			
– Preliminary Overhead sign structures, if available (sign text not required).			
D. Easements			
– Types of easements labeled and shaded with the standardized pattern (see Design Manual Vol. I Chapter 10 for sample easement descriptions and Vol. II for sample plans)			
• drainage/channel easements - dotted fill pattern			
• temporary easements - light shading (Do not shade temp. drive easements)			
• limits of other easements - solid, bold line (and labeled)			
– Proposed driveway work: show a dashed line across the driveway to differentiate the slope easement and temporary drive easement beyond the ROW. (See Chapter 10 Figure 10-9.)			
– Flag only permanent easements, other than slope easements, with station and offset. Do not flag temporary easements. (See Section I. Flagging)			
– Calculate slope easements to the clearing line.			
E. Notes			
– No construction notes (drainage, guardrail, driveway, etc.)			
– Include notes for work that is not self-explanatory such as:			
• "SAVE" or "SAVE, IF POSSIBLE" or "REMOVE" trees, shrubs etc. at or near slope lines, if questionable.			

PROJECT:_____

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ROW PLANS CHECK LIST
(Refer to Sample ROW Plans in Volume 2 of the Highway Design Manual)

SHEET	DONE BY/DATE	CHECKED BY/DATE	REMARKS
• ATTENTION ROW: TO BE RELOCATED BY OTHERS			
– Show Limit of ROW, Construction Begin and End, and Limit of Work.			
– Standard METRIC Label			
– Projects with CAROW note under the property owner's name the number of access points granted even if it is zero. Note if driveway to be constructed in the future, note the location on plan and summary sheet.			
– Graphic scale.			
F. Impacts			
– Cross-hatch structure removal with a bold linestyle (45 degrees).			
– Cross-hatch pavement removal outside of the slope lines (45 degrees).			
– Cross-hatch discontinued driveways outside of slope lines.			
G. Take Areas			
– Use standardized cross hatching (refer to the Standard Symbols sheet). Alternate cross hatching for each adjacent property owner.			
– Outline large take areas with cross hatching approximately 8 mm wide. Cross-hatch small take areas entirely.			
H. ROW Bounds			

Note: Round stations and offsets to the nearest 0.01 m and 0.01 ft.
(Metric plans show offsets in metric and English.)

PROJECT:_____

ROW PLANS CHECK LIST
(Refer to Sample ROW Plans in Volume 2 of the Highway Design Manual)

SHEET	DONE BY/DATE	CHECKED BY/DATE	REMARKS
– Set bounds on even stations and offsets whenever practical.			
– Set bounds at all PC, PT, Spiral Curve points and angle points on the ROW			
– Limit placement of bounds to a maximum of 300 meters			
– Do not place bounds where ROW intersects property lines.			
– Bounds at project limits near existing ROW are acceptable. Flag where the existing and proposed ROW intersect.			
– Stone bounds for Town and City right-of-way.			
– Bounds set in driveways, parking lots etc. shall be set flush with the pavement. Every effort should be made to move bounds from driveways, parking lots etc.			

I. Flagging

Note: Show plus or minus station unless setting new easements. Round stations and offsets to the nearest 0.1 m and 0.1 ft. (Metric plans show offsets in metric and English.)

– Flag station and offset at intersection of property line with existing ROW lines (only in the area impacts).			
– Flag station and offset at intersection of property lines with ROW lines.			
– Flag station and offset at intersection of existing ROW lines with ROW lines.			

PROJECT:_____

ROW PLANS CHECK LIST
(Refer to Sample ROW Plans in Volume 2 of the Highway Design Manual)

SHEET	DONE BY/DATE	CHECKED BY/DATE	REMARKS
– Flag station and offset at transition from one type of ROW to another. – Flag station and offset at intersection of permanent easements with ROW lines (existing or proposed), property lines, and changes in offset of existing ROW line.			
J. Provide match lines from sheet to sheet with sheet No.			
K. Show sheet summary on each plan as follows (metric example):			

PAR. NO.	PROP. OWNER	TOTAL AREA OF PARCEL		AREA OF TAKE		REMAINDER				EASEMENT								CAROW POINTS OF ACCESS		REV. NO.
						LT.		RT.		PERMANENT			TEMPORARY							
		ha	Ac.	ha	Ac.	ha	Ac.	ha	Ac.	m2	SF	TYPE	m2	SF	DESCRIPTION		EXP	LT	RT	

6. CROSS SECTIONS (as developed for Slope and Drain phase/submission).

Note: Sections will be furnished to the Bureau of ROW with the Formal ROW plans submission with proposed template, slope lines and relevant existing detail. Sections are not part of the ROW plans.

PROJECT:_____

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ROW PLANS CHECK LIST
(Refer to Sample ROW Plans in Volume 2 of the Highway Design Manual)

SHEET	DONE BY/DATE	CHECKED BY/DATE	REMARKS
7. ADDITIONAL REQUIREMENTS – Total areas will be provided by Bureau of ROW. Areas of takes, remainders and easements will be computed by Highway Design. (Round takes to 0.005 hectares [0.01 acre]. If less than 0.005 hectares [0.01 acre] or in urban areas, show takes and all easement in square meters [25 s.f.]) Round all easements and takes under 0.005 hectares to the next higher 2 m^2 (25 s.f.).			
– Try to eliminate small takes and easements by adjusting slopes unless already dealing with the property owner.			
– Staple, stamp in red and date all outgoing ROW plan prints with one of the following labels with the project number. • "PRELIMINARY ROW PLANS" • "ROW PLANS," or • "REVISED ROW PLANS". Plans will be stapled and stamped on the front sheet and on each end of the roll.			
– Group leader (Consultant Supervisor) and team leader will meet with the Bureau of ROW to review the preliminary ROW plans prior to the first formal submission.			
– The formal submission requires a letter of transmittal with seven (7) sets of ROW plans, three (3) sets of cross sections and profiles as requested. See the Highway Design Manual Chapter 10 Appendix 10-1 for sample memo. Retain and log in one (1) set of ROW plans labeled "OFFICE COPY".			
– ROW Plans to be placed in the tub separate from the construction plans. Final ROW Plans for Records Section will be mylar.			

PROJECT:_____

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ROW PLANS CHECK LIST
(Refer to Sample ROW Plans in Volume 2 of the Highway Design Manual)

SHEET	DONE BY/DATE	CHECKED BY/DATE	REMARKS
– File in pigeon hole all office copies of ROW Plan submissions together in one roll with the latest revision on top when unrolled. – When highways are reclassified and returned to the Town, See the Highway Design Manual Chapter 10 for explicit instructions for reclassification. – Type of ROW Plans to be determined at the Project Turnover Meeting to Final Design. The following is a list of plans to be included for a complete set of ROW plans or an "abbreviated set". An abbreviated set would be used when there are relatively few properties impacted.			

ROW PLANS	ABBREVIATED ROW PLANS
1. Front Sheet	1. Front Sheet
2. Symbol Sheet	2. Symbol Sheet
3. Summary Sheet	3. ROW Plans (only sheets with impacted property owners)
4. Property Layout	Revised abbreviated ROW plans shall have a table explaining the revision(s)
5. ROW Plans Cross Sections *	Cross Sections * (only in the area of impacts)

* Separate. Not part of record plans, but supplied for ROW use.

APPENDIX 10-4

FEDERAL ENERGY REGULATORY COMMISSION

Federal Energy Regulatory Commission (FERC) is a regulatory agency within the Department of Energy which oversees the interstate sale and transportation of natural gas, hydroelectric dams, wholesale transactions of electric transmission, and rates for interstate transportation of petroleum products. Two areas of the FERC's regulatory responsibility commonly involving highway/transportation projects are FERC licenses for hydroelectric dams and natural gas pipelines.

The issuance of a hydroelectric FERC permit is to a nonpublic (private) entity, company or corporation. Licenses are generally issued for a period of 30 to 50 years with exemptions granted in perpetuity. For hydroelectric facilities, the license application must contain a complete engineering analysis involving dam safety, operation, and maintenance, and addresses the economic and financial aspects for developing the project. In addition, all FERC applications must contain an environmental report describing the effects the project would have on fish, water quality, wildlife, botanical resources, geology, soils, recreational, land uses, and socioeconomic values including identifying mitigative , protective and enhancement measures. FERC issued license contain terms and conditions (license articles) which the owner/operator of the facility is required to maintain to keep the license in effect.

Any highway/bridge project that involves FERC licensed facility is treated as an element of Right-of-Way damage, but may necessitate a detailed hydrological evaluation and assessment to determine the potential effects due to loss of impoundment area and reduced flowage. Impacts caused by the highway/bridge project to the licensed facility that results in a change to the conditions of the license may require a submission to FERC by the permit owner for a relicense. As a minimum, coordination with the permittee and FERC will be required to acknowledge no effect to the conditions of the FERC license.

Examples of a licensed facility are the hydroelectric dams along the Connecticut River including the Moore Reservoir in the Town of Littleton. New England Power Company (NEPC) maintains and operates the power plant, and impoundment area through FERC licenses. Their license generally includes the ownership of the land surrounding the impoundment area of the reservoir in addition to many other conditions. The replacement of the Dalton, NH - Lundenburg, VT Bridge Hill Road bridge over the Connecticut River in 1997 resulted in no measurable impacts to loss of headwaters, flowage restrictions or loss of flood control for the downstream facility, however, a fee taking of the protected buffer of land along both sides of the Connecticut River for the approaches of the highway would have resulted in an extensive time consuming relicense application for the facility.

The expense for processing the engineering evaluation and submitting the new application by the owner and operator of the facility would be an element of damages through the right of way relocation assistance. The cost of a relicense application may or may not be cost prohibitive due to the level of potential engineering, but more importantly is the length of time required for FERC relicense process and the potential resulting delays. However, the placement of an easement use versus a fee taking over the licensed property resulted in no change in ownership and maintained compliance with the licensee's permit.

Should highway/bridge projects impact FERC licensed facilities (hydroelectric and/or natural gas pipe lines) and the owner will be required to reapply for a relicense, then early coordination and evaluation will be required during the preliminary design phase to identify the level of impacts and the necessity of the taking. Once the determination is made that a facility would be impacted by a highway/bridge project then the damage is an element of the Right-of-Way process. Through the Right-of-Way abstracting process and/or the environmental resource identification phase, facilities under a FERC permit should be identified and evaluated.

RIGHT OF WAY CERTIFICATE

APPENDIX - 10-5

Town	Project #
F/A Project #	Route
Right of Way Acquisition Required:	Yes / No

Property Owners	Parcels	Relocatees	Living Units

Replacement Housing Payments - Owners $ _____

Replacement Housing Payments - Tenants $ _____

Residential Moving Costs $ _____

Farms; NPOs & Businesses Displaced/Relocated [ ] [ ]

Business & Farm Moving Payments $ _____

Miscellaneous Property Displaced/Relocated [ ] [ ]

Relocation Service Costs $ _____

Relocation Costs are Estimated on the basis of Current Expenditures

The Right of Way Bureau, New Hampshire Department of Transportation hereby certifies that the right to occupy and use all the rights of way necessary for this project has been acquired by [ ] deed, [ ] condemnation or [ ] right of entry. All right of way has been acquired and all relocations have been accomplished, in accordance with FHWA regulations (49 CFR 24).

[ ] Without Exception
[ ] Except as Indicated Below.

[ ] R/W Acquired/Physical Possession Not Available.
(Non-Residential Uses)

The Department of Transportation has legal title to the following properties; however, the structures and areas a indicated on the Right of Way Plans are reserved until the indicated dates.

Parcel	Name	Reserve Date

Renewal basis and availability dates for these properties have been listed in the bid proposal.

Continued on Opposite Side

[ ] R/W Acquired/Residential Structures Still Occupied

The Department of Transportation has legal title to the following properties; however, the residents have not vacated.

Parcel	Name	Scheduled Vacate

Removal limits and availability dates for these properties have been listed in the bid proposals.

The New Hampshire Department of Transportation affirms that it is in the public interest to proceed with construction of this project. The cause for the delay in clearing the R/W, and the measures taken to protect the rights of those temporarily remaining on the project are as follows:

Surplus lands were [ ] were not [ ] acquired on this project, as follows:

Parcel	Name	Size	Location

There were [ ] were not [ ] special right-of-way agreements on this project. Attach copy.

There were [ ] were not [ ] rodent control provisions on this project.

A Coast Guard permit is [ ] is not [ ] necessary on this project.

A Corps of Engineers permit [ ] is not necessary on this project.

[ ] was approved as a Nationwide on _____.

[ ] was approved as an individual project on _____.

All families and individuals relocated from this project have been/will be offered decent, safe and sanitary housing, as defined in 49 CFR Part 24. All parties receiving replacement housing payments will be/have been relocated to DS&S housing. Relocation procedures used on this project conform to the standards established by Federal regulation.

_____ _____

[ ] Administrator, Bureau of Right-of-Way Date

[ ] Assistant Administrator, Bureau of Right-of-Way

APPENDIX 10-6

REQUEST FOR PUBLIC HEARING CHECK LIST

PLEASE FILL IN YOUR DATE AND FORWARD TO NEXT SECTION ON LIST

Hearing Plan Preparation

SECTION	ACTION	TARGET DATE
* Preliminary Design	Survey Request	_____
Right-of-Way	Abstract Complete	_____
	ROW Earliest Hearing Date Req. Notice: ☐ 30 day ☐ 90 day ☐ 14 day	_____
	Conceptual Relocation Study	_____
Survey	Survey Complete	_____
* Final Design	Hearing Plan Data Complete	_____
Preliminary Design	Hearing Plan Complete	_____
Environment	Ready for Hearing (Inc. 30 days) (Fin. Env. Clearance ___ days after P.H.	_____
* Preliminary Design	Hearing Target Date	_____

* Preliminary Design — Processing the Request — Revised Hearing Target Date _____

Design Start (In-House or Consultant) _____

Purchase Plans _____

ROW Involvement _____ (Months)

No. of properties _____
No. of homes acquired _____
No. of business acquired _____

Target Advertising Date _____

Target Construction Completion Date (Hearing Notice) _____ (Season)

Project Manager _____ (Name) _____ (Initial) 10-Year Plan FY _____

Clerical Section:
1. Obtain Utility Names (Design Services) _____ (Initial & Date)
2. Environmental Data (Bureau of Environment) _____ (Initial & Date)
3. Transmit all Data to ROW (Date) _____
4. Copy (this sheet) to Proj. Man. (Lead Person) (Date)

Project: _____

Federal No.: _____

State No.: _____

Location: _____

Date: _____

LAROW _____

CAROW _____

ROW _____

* Consultant Section for Consultant Projects.

APPENDIX 10-7

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

DATE:

FROM: Appropriate Name
Chief of Preliminary Engineering

AT OFFICE: Bureau of Highway Design

SUBJECT: Project
Federal Number
State Number

TO: Appropriate Name
Administrator
Bureau of Right-of-Way

SAMPLE
COMBINED CORRIDOR DESIGN PUBLIC HEARING

It is requested that a Combined Corridor and Design Public Hearing be scheduled on the above referenced project. A target date of _____ is suggested. Prior to finalizing the Public Hearing, please confirm with the Bureau of Environment that the Environmental Documents will be completed.

This project **(is)** **(is not)** included in the State's Ten Year Highway Plan.

A copy of the project description is attached together with a listing of officials, agencies, utilities, etc., that should be notified of the hearing.

The target advertising date for this project is _____.

The need for this project is _____.

(Control) **(No Control)** of access is recommended for this project.

An _____ (is being) (has been) prepared for public inspection.

This project **(will)** **(will not)** impact wetland and floodplain.

This project will have **(an adverse)** **(no adverse)** effect on historic resources.

_____ feet of presentation boards required.

WJC/_____

Attachments

Filename

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

DATE: X **APPENDIX 10-8**

FROM: Appropriate Name
Title

AT (OFFICE): Bureau of Highway Design

SUBJECT: Project Name
Federal Number
State Number

TO: Appropriate Name
Administrator
Bureau of Right-of-Way

MEMORANDUM

For your information, we are forwarding two half-scale construction plan front sheets and one set of full-size mylars of the ROW plans for the above noted project. Please note that the section of existing North River Road from the existing "green" bridge to the proposed intersection with North River relocation is currently maintained by the State, but will revert to town maintenance following an overlay and drainage improvements to be constructed as part of this project.

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FILENAME